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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/449,611	11/30/1999	KAZUO SHIMURA	Q56989	6474

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SUGHRUE MION ZION MACPEAK & SEAS  
2100 PENNSYLVANIA AVENUE NW  
WASHINGTON, DC 20037

EXAMINER

PARKER, KENNETH

ART UNIT	PAPER NUMBER
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2871

DATE MAILED: 08/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/449,611

Applicant(s)

SHIMURA, KAZUO

Examiner

Kenneth A Parker

Art Unit

2871

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 May 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 15-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 27 and 28 is/are allowed.
- 6) ☒ Claim(s) 15-26, 29 and 30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

**Claims 15-30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

What it means by “read on a basis of” or read on in a manner” cannot be determined. It is assumed it simply means “reading out, and has been examined according”

***Claim Rejections - 35 USC § 102***

**Claims 15,17, 18 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Hatano JP 03-075688.**

Hatano discloses a liquid crystal device in which the pixels can be addressed either with rgb above each other (3 to one height) , L shaped or horizontally (3 to one width). The image information has to be read out (it is inherent). Therefore, these claims are anticipated by Hatano.

***Claim Rejections - 35 USC § 103***

**1. Claims 15-25 and 29-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hatano JP 03-075688 in view of Parulskie et al, U.S. Patent # 5,828,406, Silverbrook et al, U.S. Patent # 5,793,345.**

Hatano discloses a liquid crystal device in which the pixels can be addressed either with rgb above each other (3 to one height) , L shaped or horizontally (3 to one width). Therefore, these claims are anticipated by Hatano. Lacking from the disclosure is the claimed brightness level. It was well known that higher brightness was more desirable for the end user, and therefore it would have been obvious to one of ordinary skill to employ a high brightness light source producing a high brightness image as was well known in the industry as desirable.

The reading out according to pixel size was notoriously well known as evidenced by the secondary references. Therefore one of ordinary skill would have been motivated to scale the images according to the pixel layout as was notoriously well known at the time of invention.

**2. Claims 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leroux et al, U.S. Patent # 4,846,557 in view of Parulskie et al, U.S. Patent # 5,828,406, Silverbrook et al, U.S. Patent # 5,793,345.**

Leroux discloses a grey scale method employing a series of sub pixel electrodes per pixel elements, showing figures with the pixels having a ratio of about 2 to 1. Lacking from the disclosure is reading out and remapping of the pixels according to the

sizes of the pixel, and the clear indication that the display is black and white (although the absence of the discussion of color gives a strong implication), the reading out according to the pixel size, the claimed brightness level. Black and white was notoriously well known for better energy usage (ie –no color filters). Therefore one of ordinary skill would have been motivated to avoid color filters and create a black and white display for the advantage of no color filters and better energy usage. The reading out according to pixel size was notoriously well known as evidenced by the secondary references. Therefore one of ordinary skill would have been motivated to scale the images according to the pixel layout as was notoriously well known at the time of invention.

It was well known that higher brightness was more desirable for the end user, and therefore it would have been obvious to one of ordinary skill to employ a high brightness light source producing a high brightness image as was well known in the industry as desirable.

### ***Allowable Subject Matter***

Claims 27-28 are allowable over the art of record.

### ***Response to Arguments***

Applicant's arguments are moot in view of the new grounds of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth A Parker whose telephone number is 703-305-6202. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert H. Kim can be reached on 305-3492. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7722 for regular communications and 703-308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 308-0956.



Kenneth A Parker  
Primary Examiner  
Art Unit 2871

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July 28, 2003